

By: Kolkhorst

H.B. No. 3099

A BILL TO BE ENTITLED

AN ACT

relating to the office of inspector general of the Department of Public Safety.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter I-1, and a heading is added to that subchapter to read as follows:

SUBCHAPTER I-1. OFFICE OF INSPECTOR GENERAL

SECTION 2. Section 411.244, Government Code, is transferred to Subchapter I-1, Chapter 411, Government Code, as added by this Act, redesignated as Section 411.251, Government Code, and amended, and Subchapter I-1, Chapter 411, Government Code, is amended by adding Sections 411.252, 411.253, 411.254, 411.255, and 411.256 to read as follows:

Sec. 411.251 [~~411.244~~]. ESTABLISHMENT AND PURPOSE [~~OFFICE OF INSPECTOR GENERAL~~]. (a) The commission shall establish the office of inspector general.

(b) The office of inspector general [~~, which~~] is responsible for:

(1) acting to prevent and detect serious breaches of departmental policy, fraud, and abuse of office, including any acts of criminal conduct within the department; and

(2) independently and objectively reviewing, investigating, delegating [~~an investigation~~], and overseeing the

1 investigation [~~of administrative and all other allegations~~] of:

2 (A) conduct described [~~referred to~~] in
3 Subdivision (1);

4 (B) [~~(a)(1) above and the following:~~

5 [~~(A)~~] criminal activity occurring in all
6 divisions of the department;

7 (C) [~~(B)~~] allegations of wrongdoing by
8 department employees;

9 (D) [~~(C)~~] crimes committed on department
10 property; and

11 (E) [~~(D)~~] serious breaches of department policy.

12 Sec. 411.252. OVERSIGHT OF INVESTIGATIONS. (a) [~~(b)~~] The
13 office of inspector general has departmental jurisdiction for
14 oversight and coordination over all investigations occurring on
15 department property or involving department employees.

16 (b) The office shall coordinate and provide oversight, but
17 is [~~need~~] not required to conduct[~~7~~] all investigations under this
18 subchapter [~~section~~].

19 (c) The inspector general shall delegate any investigation
20 considered potentially appropriate for criminal prosecution
21 [~~allegations arising under this section~~] to the Texas Ranger
22 division or the criminal investigations [~~Criminal Law Enforcement~~]
23 division of the department for investigation or referral back to
24 the inspector general for further action.

25 (d) The [~~However the~~] inspector general shall continually
26 monitor an investigation referred to another division of the
27 department under Subsection (c), [~~referred matters~~] and the

1 inspector general and the division shall report to the commission
2 [along with any other division investigating a matter] on the [its]
3 status of the investigation while pending.

4 Sec. 411.253. INITIATION OF INVESTIGATIONS. The office of
5 inspector general may only initiate an investigation based on:

- 6 (1) authorization from the commission;
7 (2) approval of the department of inspector general;
8 (3) approval of the director, a deputy director, an
9 assistant director of the Texas Rangers, or an assistant director
10 of the criminal investigations division for criminal
11 investigations; or

12 (4) commission rules or approved commission policies
13 [~~(c) An investigation under this section may be initiated only by~~
14 ~~the director or the commission].~~

15 Sec. 411.254. COMMISSION APPOINTMENT AND OVERSIGHT. (a)
16 The commission shall appoint the inspector general. The inspector
17 general serves until removed by the commission.

18 (b) The inspector general is not required to be a peace
19 officer as that term is defined by Article 2.12, Code of Criminal
20 Procedure. The commission or director may commission the inspector
21 general as a commissioned peace officer of the department if the
22 inspector general holds a permanent peace officer license issued
23 under Chapter 1701, Occupations Code.

24 (c) [~~(d)~~] The commission has direct oversight over the
25 office of inspector general, including decisions regarding budget
26 and staffing. The [~~commission shall appoint the~~] inspector general
27 shall coordinate with the director for administrative support as

1 provided by the commission.

2 (d) [~~The inspector general serves until removed by the~~
3 ~~commission.~~] The commission shall establish policies to ensure
4 that the commission continues to oversee the office of inspector
5 general as required by this section [~~subsection~~] and to ensure that
6 the office of inspector general retains and exercises its original
7 jurisdiction under Section 411.252 [~~Subsection (b)~~].

8 Sec. 411.255. REPORTS. (a) [~~(e)~~] The inspector general
9 shall report directly to the commission regarding performance of
10 and activities related to investigations[~~, report to the director~~
11 ~~for administrative purposes,~~] and provide the director with
12 information regarding investigations as appropriate.

13 (b) [~~(f)~~] The inspector general shall present at each
14 regularly scheduled commission meeting and at other appropriate
15 times:

- 16 (1) reports of investigations; and
17 (2) a summary of information relating to
18 investigations conducted under this subchapter [~~section~~] that
19 includes analysis of the number, type, and outcome of
20 investigations, trends in the investigations, and recommendations
21 to avoid future complaints.

22 Sec. 411.256. AUTHORITY OF STATE AUDITOR. [~~(g)~~] This
23 chapter or other law related to the operation of the department's
24 office of inspector general does not preempt the authority of the
25 state auditor to conduct an audit or investigation under Chapter
26 321 or other law.

27 SECTION 3. This Act takes effect September 1, 2011.